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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,667	04/13/2001	Manjari Kuntimaddi	174-885	1721
23517	7590	03/05/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			HUNTER, ALVIN A	
			ART UNIT	PAPER NUMBER
			3711	12
DATE MAILED: 03/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/833,667	KUNTIMADDI ET AL.
	Examiner Alvin A. Hunter	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 34-36 and 38 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 and 37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

Restriction in office action dated October 2, 2002, which was remailed July 31, 2003 has been withdrawn. Examiner disagrees that the restriction should have been presented as that suggested by the applicant as shown below:

Group I: claims 1-23 and 37 related to a golf article having IPN classified in 473;

Group II: claims 24-26 and 38 related to process of forming a golf article classified in class 264.

The claims should be restricted as follows

Claims 1-23 are related to a golf ball, classified in 473, subclasses 351-378;

Claims 24-26 are related to process of making a golf ball, class 264;

Claim 37 is related to a golf equipment article, in which the applicant defines "golf equipment" as not including a golf ball, which can be any one of classes 2, 36, 473, etc.;

Claim 38 is related to process of making golf equipment, which can be in, class 2, 36, 264, etc.

In order to expedite prosecution the examiner will reenter claims 1-33 and 37 and withdraw claims 34-36 and 38.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12 and 13 recites the limitation "the same polyermeric component" in line 2. There is insufficient antecedent basis for this limitation in these claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 8, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al. (USPN 6100336).

Sullivan et al. discloses a golf ball having a core and cover wherein Sullivan et al. notes that the cover may an interpenetrating polymer network (See Claim 1 and Column 27, lines 10 through 21).

Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by McGarry et al. (USPN 5362799).

McGarry discloses a interpenetrating polymer network in which can be incorporated into golf club shafts (See Column 14, lines 40 through 56).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (USPN 5879244) in view of McGarry et al. (USPN 5362799).

Hwang discloses a golf ball having at least one core layer and at least one cover layer in which the ball exhibits good hitting feel (See Abstract). The inner and outer covers are made of a material such as a polyester resin (See Column 4, lines 47 through 61). Hwang does not disclose the polyester resin being an interpenetrating polymer network. McGarry et al. discloses a polyester resin having an interpenetrating polymer network in which can be used in sporting goods (See Abstract and Column 14, lines 40 through 62). It is noted that interpenetrating polymer network has increased fracture energy (See Column 2, lines 6 through 13). One having ordinary skill in the art would have found it obvious to incorporate the interpenetrating polymer network of McGarry et al. into that of Hwang, in order to increase the fracture energy of the golf ball (to make the golf ball tougher). In regards to claims 10-13, applicant hereby admits that IPNs generally have improved compatibility of polymeric components in comparison to conventional polymer blends. McGarry et al. even notes that a gradual change in properties occur as discloses that the composition lacks separation of into two pure components having separate  $T_g$  values (See Column 2). One having ordinary skill in the art would have expected the transition temperature of the IPN to differ from that of the polymer having the same two components because there is no phase separation with the composition.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH  
Alvin A. Hunter, Jr.

  
Stephen P. Garbe  
Primary Examiner